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HUMAN RESOURCES MANAGEMENT

Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations

Note submitted by the Secretary-General on behalf of and with the approval of the members of the Administrative Committee on Coordination

I. INTRODUCTION

1. At its forty-ninth session, the General Assembly adopted resolution 49/238 of 31 March 1995, in which it took note of the report submitted by the Secretary-General on behalf of the members of the Administrative Committee on Coordination (ACC) on the above subject (A/C.5/49/6 and Corr.1 and Add.1). In that resolution, the General Assembly deplored the increasing risk confronting United Nations personnel, including those engaged in peace-keeping and humanitarian operations, as well as locally recruited staff, and welcomed the Ad Hoc Inter-Agency Meeting convened in 1994 by the United Nations Security Coordinator. The Assembly urged the Administrative Committee on Coordination to strengthen the cooperative inter-agency approach, which would ensure the safety and security of United Nations personnel system-wide. The Assembly also welcomed the note by the Secretary-General on stress management (A/C.5/49/56) and the proposals made in paragraph 10 thereof and requested the Secretary-General to present funding proposals, if necessary, in the context of the programme budget for the biennium 1996-1997.

2. The present note, containing updated information about respect for the privileges and immunities of officials as well as their security and safety, is submitted on behalf of and with the approval of the members of ACC and is based upon the information provided by United Nations subsidiary organs and organizations. A list of the organs and organizations that were requested to provide information is contained in annex IV to the present note. The note covers the period from 1 July 1994 to 30 June 1995.



II. SECURITY AND SAFETY OF OFFICIALS

3. Developments in the last year have once again heightened concerns regarding the conditions under which staff members of the United Nations system are directed to operate in certain areas and the level of risk that is deemed to be acceptable. In fulfilment of the responsibilities assigned to them by Member States, staff of the United Nations system are often called upon to perform their functions under extremely hazardous security situations where decisions regarding their safety assume an immediacy not encountered under normal conditions. Of particular concern is the fact that, during the reporting period and through the preparation of the present report, 14 civilian staff members, belonging to different organizations, lost their lives. Details are included in annex II. (Since this report covers staff of United Nations organizations, the above figure does not include military personnel associated with United Nations peace-keeping operations.) In addition to staff members who have lost their lives, there have also been numerous instances of harassment, kidnapping, vehicle hijackings and attacks on United Nations personnel. Details regarding some of those incidents may be found in information provided by various organizations, which is included in annex III to the present report.

4. As indicated in my report on the work of the Organization (A/50/1), the safety and integrity of United Nations personnel must be respected. It must be recalled that, although the organizations of the United Nations system take all necessary precautions to ensure the security of staff, the primary responsibility for these matters rests with the host Governments and their authorities. This responsibility flows from every Government's normal and inherent function of maintaining order and protecting persons within their jurisdiction. In the case of the organizations of the United Nations system and their officials, the Governments are considered to have a special responsibility under the Charter of the United Nations or respective constitutional instruments of other organizations of the United Nations system. It is recognized that the United Nations is increasingly called upon to operate in areas where there is no Government or where the Government is unable to fulfil its commitments under the Charter.

III. ARREST AND DETENTION OF OFFICIALS

5. Over the past two years, the trend had been for a decrease in the number of staff members arrested or detained. Regrettably, this trend has now been reversed by the aggravated situation existing in Rwanda, where numerous locally recruited United Nations staff members have been detained. A number of initiatives have been taken both at the local level by the Special Representative of the Secretary-General and by the United Nations Resident Coordinator, as well as by other senior officials visiting Rwanda, to bring to the attention of Rwandan authorities the unresolved questions relating to these cases. In addition, a legal representative has been dispatched to Kigali with the purpose of further pursuing the dialogue with the Rwandan authorities on the question of the detention of United Nations staff members.

6. Another concern relates to the drafting into military service of local staff working for the United Nations Peace Forces. There have been growing

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numbers of instances where, in contravention of article V, section 18 (c), of the Convention on the Privileges and Immunities of the United Nations, locally recruited staff members of the Organization have been drafted into the military services.

7. Detailed information regarding the detention of staff members of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), as provided by UNRWA, is included in annex III of the present report.

IV. TAXATION OF OFFICIALS

8. The issue of taxation of officials is included in the submission from the International Labour Organization (ILO). For details, see annex III, section C, paragraph 12.

V. RESTRICTIONS OF OFFICIAL AND PRIVATE TRAVEL OF OFFICIALS OF THE UNITED NATIONS, THE SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS

9. Restrictions imposed by the United States authorities on the private travel by staff members and their dependants who are nationals of particular countries remained in force. In this regard, the Secretary-General maintains his well-known position of principle, which he has expressed on several occasions in the past, that such restrictions applied to United Nations staff solely on the basis of nationality are discriminatory.

10. Information concerning travel restrictions on UNRWA personnel is provided in annex III to the present note.

Annex I

CONSOLIDATED LIST a/ OF STAFF MEMBERS UNDER ARREST AND DETENTION
OR MISSING AND WITH RESPECT TO WHOM THE UNITED NATIONS AND THE
SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS HAVE BEEN UNABLE
TO EXERCISE FULLY THEIR RIGHT TO PROTECTION

<u>Name</u>	<u>Agency</u>	<u>Place and date of incident</u>
Mr. Abdala Daker Hayatli	UNRWA	Missing in the Syrian Arab Republic since 20 April 1980.
Mr. Issedine Hussein Abu Khreish	"	Detained in the Syrian Arab Republic since 11 September 1980.
Mr. Mahmoud Hussein Ahmad	"	Missing in Lebanon since 22 March 1983. Reportedly detained by militias or unknown elements.
Mr. Mohammad Ali Sabbah	"	Missing in Lebanon since 22 March 1983. Reportedly detained by militias or unknown elements.
Mr. Daulat Mir	FAO	Detained on 28 August 1984 and subsequently conscripted into military service in Afghanistan.
Mr. Alec Collett	UNRWA	Detained in Lebanon by militias or unknown elements since 25 March 1985.
Mr. Mohammad Mustafa El-Hajj Ali	"	Missing in Lebanon since 28 November 1986. Reportedly detained by militias or unknown elements.
Mr. Saleem Hairan	FAO	Detained and conscripted on 27 January 1988 into military service in Afghanistan.
Mrs. Zainab Aw Jama Adan	WFP	Missing in Somalia since 4 June 1988.
Mr. Mohammed Omar	FAO	Detained and conscripted on 17 May 1989 into military service in Afghanistan.
Mr. Abdul Fattah	WFP	Abducted in Pakistan by unknown elements on 3 September 1989.
Mr. Ahmad Mohamed Ali	"	Detained in Somalia by the Somali National Security Service since 25 May 1990.

<u>Name</u>	<u>Agency</u>	<u>Place and date of incident</u>
Mr. Kassu Asgedon	"	Detained in Ethiopia since 4 September 1991.
Mr. Hassan Mohammad Hammad	UNRWA	Detained in the West Bank since 15 February 1993.
Mr. Sami Abdalla Abu Hmaiseh	"	Detained in the Gaza Strip since 11 April 1993.
Mr. Jaber Ali Wahdan	"	Detained in the Gaza Strip since 3 May 1993.
Mr. Andualem Zeleke	ECA	Detained in Ethiopia since 25 June 1993.
Ms. Sara J'areh	UNRWA	Detained in the West Bank since 24 September 1993.
Mr. Rida Mahmoud Khaled	"	Detained in the West Bank since 18 October 1993.
Mr. Vincent Habineza	UNICEF	Detained in Kigali, Rwanda, since 22 September 1994.
Mr. Alfred Rusigariye	UNAMIR	Detained in Kigali, Rwanda, since 22 September 1994.
Mr. Elizier Cyimanizanye	UNICEF	Detained in Kigali, Rwanda, since 28 October 1994.
Mr. Deo Idanumbira	UNDP	Missing in Rwanda, since 1 November 1994.
Mr. Benoit Ndejeje	"	Detained in Kigali, Rwanda, since 11 November 1994.
Mr. Jean-Marc Ulimubenshi	UNHCR	Detained in Cyangugu, Rwanda, since 15 November 1994.
Mr. Pascal Sebyatsi	WFP	Detained in Kigali, Rwanda, since 6 December 1994.
Mr. Azzam Husni Attaleh	UNRWA	Detained in the West Bank since 12 December 1994.
Mr. Tharcisse Sibomana	UNHCR	Detained in Butare, Rwanda, since 29 December 1994.
Mr. Jean Bosco Rwagaju	"	Detained in Gikongoro, Rwanda, since January 1995.

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<u>Name</u>	<u>Agency</u>	<u>Place and date of incident</u>
Mr. Jean Chrisostome Muvunyi	"	Detained in Gikongoro, Rwanda, since 9 January 1995.
Mr. Charles Ngendahimana	"	Detained in Gikongoro, Rwanda, since 10 January 1995.
Mr. Ahmad Haj Ali Ahmad	UNRWA	Detained in the West Bank since 22 January 1995.
Mr. Khaled Ismail Bakhit	"	Detained in the Gaza Strip by the Palestinian Authority since 29 January 1995.
Mr. Alfred Nsinga	UNAMIR	Detained in Kigali, Rwanda, since 8 February 1995.
Mr. Mathieu Nsengiyaremye	UNHCR	Detained in Cyangugu, Rwanda, since 12 February 1995.
Mr. Luc Birushya	UNDP	Detained in Kigali, Rwanda, since 13 March 1995.
Mr. Athanase Ngendahimana	"	Detained in Kigali, Rwanda, since 25 March 1995.
Mr. Joseph Nsabimana	UNHCR	Detained in Butare, Rwanda, since 25 March 1995.
Mr. Aloys Byugura	UNICEF	Detained in Muhima, Rwanda, since 4 April 1995.
Mr. Ahmad Mohammed Hamdan	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 9 April 1995.
Mr. Prosper Gahamanyi	UNDP	Detained in Kigali, Rwanda, since 12 April 1995.
Ms. Clotilde Ndagijimariya	UNICEF	Detained in Butare, Rwanda, since 14 April 1995.
Mr. A. Madi Muhareb El Haj	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 15 April 1995.
Mr. Bassam Khalid El Aila	"	Detained in the Gaza Strip by the Palestinian Authority since 15 April 1995.

<u>Name</u>	<u>Agency</u>	<u>Place and date of incident</u>
Mr. Alexis Mbanzamihigo	UNAMIR	Detained in Gitarama, Rwanda, since 24 April 1995.
Mr. Hasan Ibrahim El Muzayyen	UNRWA	Detained in the Gaza Strip by the Palestinian El Muzayyen Authority since 30 April 1995.
Mr. Mazin Arbid	"	Detained in the Gaza Strip by the Palestinian Authority since 18 May 1995.
Mr. Hasan A. Hamid Deeb	"	Detained in the Gaza Strip by the Palestinian Authority since 20 June 1995.
Mr. Boniface Rutagungira	UNICEF	Detained in Kigali, Rwanda, since 20 June 1995.
Mr. Mahmoud Sager El Zatma	UNRWA	Detained in the Gaza Strip by the Palestinian Authority since 24 June 1995.
Mr. Imad Ibrahim Kh. Mustafa	"	Detained in Jordan since 24 June 1995.
Mr. Khaled Mohd Sheikh El Eid	"	Detained in the Gaza Strip by the Palestinian Authority since 26 June 1995.
Mr. Maher Salem	"	Detained in the Gaza Strip by the Palestinian Authority since 25 July 1995.
Abbas Sempija	UNHCR	Detained in Kigali, Rwanda, since 7 August 1995.

Notes

a/ The consolidated list contains in chronological order the names of staff members who remained under detention or missing as of 30 June 1995. The list, however, is not compiled to provide information on all cases of staff members who have been arrested, detained or missing in the past or on the cases where staff members have lost their lives in the performance of official duties.

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Annex II

LIST OF STAFF MEMBERS WHO HAVE LOST THEIR LIVES
SINCE 1 JULY 1994

<u>Name</u>	<u>Nationality</u>	<u>Agency</u>	<u>Place/date of incident</u>	<u>Cause of death</u>
1. Lopez-Herrera, Jose	France	UNHCR	Kirundo, Burundi 13 August 1994	Gunshot wounds
2. Murenzi, Jules	Rwanda	WFP	Gikongoro, Rwanda 30 August 1994	Gunshot wounds
3. Mahmoodi, Mehrali	Islamic Republic of Iran	UNHCR	Milak Bes, Islamic Republic of Iran 3 September 1994	Knife wounds
4. Ibrahim, Labib	Egypt	UNICEF	Qena, Egypt 17 September 1994	Gunshot wounds during ambush
5. Tembe, Alfredo	Mozambique	UNDP	Maputo, Mozambique 24 September 1994	Gunshot wounds
6. Sacramento, Joachim	Sao Tomé and Príncipe	WFP	Luanda, Angola 25 October 1994	Gunshot wounds
7. Emana, Diriba	Ethiopia	ECA	Addis Ababa, Ethiopia 8 November 1994	Killed during robbery
8. Naingonn, Yamnalbaye	Cameroon	UNICEF	Maroua Province, Cameroon 14 November 1994	Gunshot wounds during ambush
9. Sultan, Majdi Ahmad	Palestine	UNRWA	Gaza city 18 November 1994	Stray bullet
10. Hailu, Zekarias	Ethiopia	UNHCR	Moyale, Ethiopia 22 December 1994	Gunshot wounds
11. Lahrache, Ouassini	Algeria	United Nations	Algiers, Algeria 7 March 1995	Gunshot wounds
12. Sengoga, Alphonse	Burundi	UNICEF	Bujumbura, Burundi 2 April 1995	Ethnic violence

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<u>Name</u>	<u>Nationality</u>	<u>Agency</u>	<u>Place/date of incident</u>	<u>Cause of death</u>
13. Vila, Munira	Bosnia and Herzegovina	UNPROFOR	Sarajevo, Bosnia and Herzegovina 15 April 1995	Sniper fire
14. El-Khawaja, Mahmoud Arafat	Palestine	UNRWA	Gaza Strip 22 June 1995	Gunshot wounds

Annex III

INFORMATION SUBMITTED BY INDIVIDUAL ORGANIZATIONS AND UNITED
NATIONS SUBSIDIARY ORGANS AND OFFICES OR JOINT SUBSIDIARY
ORGANS FOR INCLUSION IN THE PRESENT REPORT

A. United Nations Relief and Works Agency for
Palestine Refugees in the Near East

1. Arrest and detention of UNRWA staff

1. There was a continuing reduction in the number of staff members who were arrested and detained by the Israeli authorities during the reporting period; a total of 10 were detained in the West Bank, compared with 15 in the West Bank in the preceding year. Two remained in detention as at 30 June 1995. Following the establishment of the Palestinian Authority, a total of 58 staff members in the Gaza Strip were arrested and detained by the Palestinian Police Force during the period, by the end of which 9 were still in detention. A total of four staff members were detained in Jordan, two in the Syrian Arab Republic and one in Lebanon, of whom only one staff member in Jordan remained in detention by the end of the reporting period. A total of 75 staff members were detained throughout the area of operations during the period under review; of these, 61 were released without charge or trial, 2 were sentenced and 12 remained in detention as at 30 June 1995.

2. As in previous years, while the Agency continued to make frequent approaches to the relevant authorities in all its areas of operation, it was not provided with adequate and timely information as to the reasons for the arrest and detention of its staff members. The Agency had access to one staff member from the West Bank and two from the Gaza Strip detained by the Israeli authorities in prisons and detention centres in Israel. In comparison with previous years, UNRWA experienced noticeably more difficulty in obtaining access to staff detained by the Israeli authorities, despite strenuous efforts to do so. The Agency has so far obtained access to one staff member detained by the Palestinian Authority, though these detentions have tended to be for relatively short periods. The treatment and state of health of staff members in detention continued to be of particular concern to the Agency, with staff members after their release by the Israeli authorities complaining of having been subjected to various forms of physical and psychological mistreatment. Despite continued approaches to the relevant Governments, the Agency remained unable to visit staff detained in Jordan, Lebanon and the Syrian Arab Republic.

2. Travel restrictions

3. During the reporting period, the Israeli authorities instituted progressively stricter measures by way of exit permits and checkpoint controls, including searches, further to those reported last year, on entry to and exit from the Gaza Strip and the West Bank. As a result, the movement of UNRWA staff and vehicles into and out of the West Bank and the Gaza Strip was considerably impeded and on occasion prevented. On a number of occasions, following

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incidents inside Israel, permits were cancelled generally and their replacement resulted in substantial delays in the running of the Agency's operations. The sealing of the West Bank and the Gaza Strip from Israel during Israeli holidays also resulted in substantial delays. The Agency had at times to use international staff members as drivers, to alleviate in a practical manner the difficulties encountered. Difficulties were exacerbated during the reporting period, with UNRWA staff who held West Bank and East Jerusalem identity cards being prevented from entering the Gaza Strip without special permits, which at times were obtained by staff members only after lengthy delays. Israeli military personnel repeatedly insisted on subjecting UNRWA vehicles leaving the Gaza Strip, including vehicles carrying senior Agency officials, to various forms of search, including partial dismantling and the use of inspection pits, on occasion causing damage to UNRWA vehicles. Those searches extended to inspection of the Agency's diplomatic pouch. The personal belongings of staff members, including those of international staff, were on occasion also searched. The intermittent closure of certain roads within the Gaza Strip by the Israeli authorities also caused practical difficulties in the movement of staff and vehicles and the delivery of Agency services. There continued to be lengthy delays in the clearance of local staff for official travel through Israel as well as between the West Bank and Jordan via the Allenby Bridge.

3. Security and safety of UNRWA staff

4. Two staff members were killed during the period under review, in comparison with four during the previous year. On 18 November 1994, during disturbances in Gaza City, an UNRWA school attendant visiting a hospital there was hit by a stray bullet and died instantly. On 22 June 1995, an UNRWA sanitation labourer was shot dead by unknown gunmen in Beach Camp in the Gaza Strip.

5. Following the entry into effect of the provisions of the Cairo Agreement of May 1994, referred to in last year's report, the Agency continued to experience a decreasing trend in instances of mistreatment of staff members in the occupied territories by members of the Israeli security forces. Twelve such cases in the West Bank and none in the Gaza Strip were reported.

B. Office of the United Nations High Commissioner for Refugees

6. With regard to respect for the privileges and immunities of officials of the United Nations system, it is advised that the overall situation shows little sign of improvement.

7. Indicators of lack of respect for privileges and immunities include kidnappings, detentions, vehicle hijackings, arbitrary vehicle searches, arbitrary searches of personal belongings, etc. Many of these acts are not investigated by the local authorities and, as a consequence, the impression is created that they can be indulged in with total impunity. It is this that leads to the incidents of killing which have become such a tragic feature of United Nations operations in many parts of the world.

8. What, if anything, can be done about this situation? The breakdown of strong central authority in many of UNHCR's areas of operation has led to serious deficiencies in the application of the rule of law. In such circumstances, there is little that can be done other than to formally and vigorously protest each incident of failure to respect the privileges and immunities of staff and ensure that they are mentally as prepared as possible, through training, briefings and access to protective equipment, to deal with potentially dangerous or life-threatening situations. In addition, the immediate availability of stress-management professionals to deal with critical incident debriefings will be of immense benefit to them.

C. International Labour Organization

9. ILO participated in the discussion of national staff and other field security matters at the Ad Hoc Inter-Agency Meeting in May 1994 and as well in the context of the United Nations General Assembly's adoption of the Convention on the Safety of United Nations and Associated Personnel.

10. Recently, ILO undertook an internal review of its field security arrangements and issued briefing notes to its staff on field security management in the United Nations system, including ILO. Field security was included as an item in a training course for ILO administrative assistants held at Abidjan in February 1995.

11. Rwanda. ILO had its international staff evacuated from Rwanda in the light of the civil strife. Thereafter, five local ILO officials of Rwandan nationality were killed there. ILO has not made a specific request to the new Government in regard to possible action it might take, but should the United Nations make such a request, these five cases should be included.

12. France. As reported earlier, ILO was among the specialized agencies with offices at Geneva whose personnel residing in France were in some instances being subjected by the Government of France to demands for payment of income tax on their institutional income. The Prime Minister of France addressed a letter to the Director-General on 6 April 1995, in which he stated that the Government of France had decided to submit the Convention on the Privileges and Immunities of the Specialized Agencies to Parliament for ratification without a reservation regarding taxes.

Annex IV

LIST OF UNITED NATIONS PROGRAMMES, FUNDS, OFFICES AND MISSIONS,
SPECIALIZED AGENCIES AND RELATED ORGANIZATIONS THAT WERE
REQUESTED TO PROVIDE INFORMATION FOR THE PRESENT REPORT

ECA	Economic Commission for Africa
ECE	Economic Commission for Europe
ECLAC	Economic Commission for Latin America and the Caribbean
ESCAP	Economic and Social Commission for Asia and the Pacific
ESCWA	Economic and Social Commission for Western Asia
FAO	Food and Agriculture Organization of the United Nations
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
IFAD	International Fund for Agricultural Development
ILO	International Labour Organization
IMF	International Monetary Fund
IMO	International Maritime Organization
ITU	International Telecommunication Union
UNCTAD	United Nations Conference on Trade and Development
UNDOF	United Nations Disengagement Observer Force
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFICYP	United Nations Peace-keeping Force in Cyprus
UNFPA	United Nations Population Fund
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization

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UNIFIL	United Nations Interim Force in Lebanon
UNITAR	United Nations Institute for Training and Research
UNMOGIP	United Nations Military Observer Group in India and Pakistan
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNTSO	United Nations Truce Supervision Organization
UNU	United Nations University
UPU	Universal Postal Union
WFP	World Food Programme
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization
WTO	World Trade Organization
	World Bank
